 ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	**CC Docket No. 94-54**
Equal Access and Interconnection	)	**RM-8012**
Obligations Pertaining to	)	
Commercial Mobile Radio Services	)	

To: The Commission

COMMENTS
OF
FLORIDA CELLULAR RSA LIMITED PARTNERSHIP

Florida Cellular RSA Limited Partnership, an Illinois limited partnership, submits these its comments in the above proceeding. The time for filing comments was extended to September 12, 1994.

Introduction

Florida Cellular RSA Limited Partnership ("Florida Cellular") holds licenses for cellular rural service areas in Florida 1 - Collier and Florida 3 - Hardee. In addition, James A. Dwyer, Jr., one of the principals of Florida Cellular, is involved in various other cellular activities through related entities in Pennsylvania, Ohio and West Virginia. Mr. Dwyer has been involved in mobile communications matters for over 25 years, and has participated in various Commission proceedings, including the original cellular rulemaking in 1971. He has been involved in cellular operations since 1983.

Based on Florida Cellular's experience, there is no reason to impose equal access obligations on cellular service providers at this time. However, if obligations are imposed, they should be imposed on all similarly situated CMRS providers.

No Basis for Equal Access Obligations for Cellular Licensees

The proponents of equal access argue that it is necessary to ensure customer choice. MCI, among others, charges that cellular customers denied equal access are forced to pay premium rates. The California and Ohio PUCs in their earlier comments contend that the extension of equal access requirements to CMRS providers is important for establishing a level playing field in the local exchange marketplace since wireless services are expected in the future to compete against local exchange carriers in the provision of local exchange services.

Florida Cellular joins with CTIA in opposing the imposition of equal access requirements to cellular service providers. There appears to be no legal basis for imposing equal access obligations on non-BOC cellular service providers. Even more persuasive, there appears to be no factual basis to support the conclusion that the extension of equal access obligations to cellular service providers is in the public interest.

Contrary to arguments by MCI, there appears to be no demand for equal access in the cellular markets. Based upon Florida Cellular's operating experience in its markets, only a handful of customers have ever inquired about using an alternative long distance carrier. Any customer that desires to use an alternate carrier can today do so by dialing up the local access code of the designated long distance carrier.

Contrary to earlier comments, it has not been conclusively demonstrated that subscribers are paying premium rates. In fact, Florida Cellular offer cellular customers "toll free service areas" much larger than local exchange areas. Thus, average toll charges for its customers are lower than otherwise available through the local exchange carrier. If equal access is required, such subscribers would incur

incremental costs for service beyond the serving CGSA. The end result might be compared to the current CATV rate environment where millions of customers believe that the FCC ordered unbundling and rate reductions have in fact given them higher costs or less valuable service or both.

There would be significant costs associated with providing equal access if mandated by the FCC. In Florida Cellular's case, it estimates initial non-recurring costs of approximately $100,000 to modify its MTSO, provide training and administrative support necessary to implement equal access. These costs would have to be absorbed at least in part by its subscribers. Yet, there is no demonstrated value for these customers to off-set these costs.

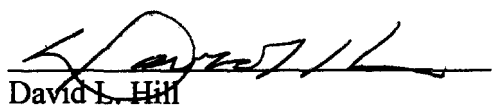
The cellular industry has been plagued by fraud and the addition of equal access obligations would in all likelihood exacerbate this already difficult and costly problem. The costs associated with dealing with the increase in fraud and increase of security that would be required by equal access obligations are costs that are difficult to quantify, but nonetheless, real costs that ultimately have to be shared by the subscriber base. In light of the lack of demonstrated demand for equal access, the fact that it is available today for any cellular subscriber that desires it by merely dialing the access code of its designated long distance carrier, the factual predicate support for the imposition of this obligation is missing.

Finally, while wireless service providers may in the future compete in the local exchange marketplace, this is not a reality today. It would be wrong therefore to premise a policy on unknown future conditions. If in the future wireless service providers including the cellular industry become competitors in the local exchange marketplace for local exchange services, this matter can be revisited and decisions and policies developed upon then existing conditions. In the meantime, as shown above, there appears to be no demonstrated benefits to the public to offset clearly

demonstrable costs. Therefore, imposition of equal access obligations of non-BOC cellular carriers at this time is not in the public interest.

Respectfully submitted,

FLORIDA CELLULAR RSA LIMITED PARTNERSHIP

By: 

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